registered professional engineer or architect or must meet or exceed the following minimum criteria; A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

Item IX: Variances and Appeals.

1. Any order, requirement, decision or determination of the Building Inspector made under this ordinance may be appealed to the Zoning Board of Adjustment as set forth in RSA 676:5.

2. If the applicant, upon appeal, requests a variance as authorized by RSA 674:33, I(b), the applicant shall have the burden of showing in addition to the usual variance standards under state law:

(a) that the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense.

(b) that if the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result.

(c) that the variance is the minimum necessary, considering the flood hazard, to afford relief.

3. The Zoning Board of Adjustment shall notify the applicant in writing that: (i) the issuance of a variance to construct below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of Insurance coverage and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions.

Section 4-11 Wetland Conservation District

General The Wetland Conservation District is hereby determined to be those areas identified or delineated as poorly drained or very poorly drained soils, or as bodies of water by the National Cooperative Soil Survey through field mapping surveys completed in l970 and shown on its field mapping photographic sheets for the Town of Amherst, New Hampshire. The Wetland Conservation District as herein defined as shown on a map designated as:

"U.S. Department of Agriculture Soil Conservation Service
Town of Amherst, Hillsborough County, New Hampshire
Soil Survey, November 1970

Amherst Wetlands Conservation District Map adopted l973

Amended March l975 (3-4-75) and is a part of the 'Zoning Map'
of the Town of Amherst, NH

In all cases where the Wetland Conservation District is super-imposed over another zoning district in the Town of Amherst, that district whose regulations are the more restrictive shall apply.

In the event an area is incorrectly designated as being poorly drained or very poorly drained soils on the Town of Amherst Wetland Conservation District map and evidence to that effect is satisfactorily presented to the Building Inspector or Zoning Administrator, the restriction contained in this section shall not apply. Conversely, in the event that an area not so designated has poorly drained or very poorly drained soils within the meaning of the aforementioned definition, then the restriction contained in this section shall apply. Such evidence may be obtained by adequate on-site soils investigation and analysis conducted by a certified soil scientist or certified wetland scientist. As amended 3-11-80

The location of a wetland boundary in any particular case must be determined by on-site inspection of all three characteristics of wetlands, namely, hydrology, hydric soils, and hydrophytic plants. Said inspections shall conform to standards set forth in:

Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, Environmental Laboratory, Department of the Army, 1987.

Field Indicators for Identifying Hydric Soils in New England, Version 2, New England Interstate Water Pollution Control Commission, 1998.

Chapters Wt 100-800 of the NH Code of Administrative Rules, April 21, 1997, as amended.

In the interest of public health, convenience, safety and welfare, the regulations of the Wetland Conservation District are intended to guide the use of areas of land that have soils that are saturated or inundated for extended periods of time during the growing season, and their surrounding buffers.

The specific intent of this District is:

1. To prevent the development of buildings and land use on naturally occurring wetlands, which would contribute to pollution of surface and ground water. 3-6-73

2. To prevent the destruction of natural wetlands which provide flood protection, recharge of ground water suppliers, retention of sediments, attenuation of nutrients, augmentation of stream flow during dry periods, and important wildlife areas. 3-6-73

3. To prevent unnecessary or excessive expenses to the Town to provide and maintain essential services and utilities which arise because of inharmonious use of wetlands. 3-6-93

4. To encourage those uses that can be appropriately and safely located in the wetland area. 3-6-73

5. To protect water suppliers, aquifers and aquifer recharge areas.

A. <u>Permitted Uses</u>

Any of the following uses, which may require a permit, and that do not result in the erection of any structure and that are otherwise permitted by the Ordinance:

1. Forestry - tree farming (see part B) 3-6-73
2. Agriculture (see Part B) 3-6-73
3. Well and well lines 3-11-80
4. Wildlife refuge 3-6-73
5. Parks and such recreation uses as are consistent with the purpose and intentions of Section 4-11 3-6-73
6. Conservation areas nature trails 3-6-73
7. Open space as permitted by subdivision regulations and other sections of this Ordinance 3-6-73
8. Minimal impact crossing of wetland and their buffers by roads, bridges and driveways, subject to Planning Board review and approval, and only when there is no feasible alternative. 3-12-91 (3-11-03)
9. Other uses consistent with the intent of the ordinance as approved by the Planning Board pursuant to Part D below. 3-13-01

B. <u>Special Provisions</u>

1. No wetland may be used to satisfy minimum lot size requirements in any zone.

2. No septic tank or leach field may be located closer than seventy-five (75) feet to any wetland.

3. No structure shall be erected within fifty (50) feet of any wetland.

4. A naturally vegetated buffer of twenty-five (25) feet shall be maintained from the edge of any wetland.

5. A naturally vegetated buffer of one hundred (100) feet shall be maintained from the edge of any Public Water Protection Wetland, as defined in Part C of this ordinance.

6. Except as determined by the Planning Board there shall be no alteration of contours and no filling of land within a buffer. (3-11-03)

7. Except as provided for in A.8., no structures, parking areas or driveways (paved or unpaved) shall be located within a buffer. Within a buffer, the footprint of an existing structure, parking area or driveway shall not be expanded. Forestry and tree farming in buffers shall be conducted in accordance with Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire, published by the NH Department of Resources and Economic Development, as amended. (3-11-03)

8. Agricultural activities in buffers shall be conducted in accordance with the Manual of Best Management Practices for Agriculture in New Hampshire, published by the NH Department of Agriculture, as amended. Such activity is prohibited within a 25 ft. buffer. (3-11-03)

9. A "Water Resource Management Plan" which provides for substitutes for wetlands restrictions and setbacks may be submitted to the Planning Board. See Part D. (3-11-03)

10. Nothing in this Part B, Special Provisions shall be construed as prohibiting the permitted uses contained in Part A above. (3-11-03)

11. In order to define the edges of the naturally vegetated buffers, a disk (or other small, durable sign) shall be placed and maintained on such edges, at reasonable intervals of no more than 50 feet apart, which states: ENTERING WETLAND BUFFER – Do Not Disturb Beyond This Point. (3.13.07)

C. Public Water Protection Wetlands

The town's wetlands ranked highest for their critical role in protecting public water supplies shall be designated as Public Water Protection Wetlands (See the Amherst Wetland Assessment and Prime Wetland Designation Project report dated January 2000).

Witches Brook	Ponemah Bog	Thibodeau Bog
Theriaults Marsh	Glover Beds	Ponemah Hill Complex
Stump Pond	Homestead Commons	J&J Party Outlet Nolan Pond
Maine RR Sand Pit	Belden's Mill	Currier Lumber
Baboosic Lake	North Baboosic	Boardman
Horace Greeley Triangle	Jasper Valley	Baboosic Forested
Weimont	Honey Pot Pond	Black Forest
Souhegan Three	Curtis Well	House of Faith
Beaver Brook South	Holt Road	Souhegan Street
Meeting Place	Currier Land	Pond Parrish
North Embankment Road	Corduroy/Dog Pound	Pulpit Meadow
Souhegan Two	St. Patricks Cemetery	Little Baboosic
Souhegan One	Post Road & Courthouse	Great Meadow

Ross Bird Sanctuary	Hertzka Atherton
Pond Parish Outlet	Southfield

In addition, wetlands located within NH Public Water Supply Wellhead Protection Areas (delineated by NH Department of Environmental Services) and wetlands within the Pennichuck Brook Watershed as shown on the plan titled shall be designated Public Water Protection Wetlands.

D. Water Resource Management Plans Alternative use

The use restrictions and setbacks established in Parts A and B above are important measures intended to protect wetlands, ground water, surface water, and important wildlife resources. Part D of the ordinance is intended to provide for the development of a comprehensive plan for the protection of these resources as part of the site plan approval process in lieu of the standard requirements of the ordinance listed in Parts A and B above. Under the provisions contained in this part, the Town and landowners are offered greater flexibility in establishing effective controls through development, implementation and maintenance of site specific Water Resource Management Plans. When meeting the criteria below, and when the owner so elects, a site-specific plan may be adopted, upon review of the Conservation Commission, Pennichuck Water Works (if required), and approval of the Planning Board, for the protection of water and wildlife resources.

The provisions of this part are applicable, for modification of or an alternative to the provisions contained in Parts A and B above, to any parcel of land to be developed or otherwise altered if one or more of the following conditions are met:

a. if the parcel is greater than 10 acres;
b. if the plan involves a subdivision of a parcel into 5 or more lots;
c. if the parcel contains wetlands area of greater than 2.0 contiguous acres, or;
d. if the parcel falls within the standard setbacks of Public Water Protection Wetlands defined in Part C above.

General Requirements

Each Water Resource Management Plan must conform to the intent of the ordinance and provide for effective, long term design and engineering controls to minimize the impacts of development and other uses adjacent to wetland areas. These plans are intended to provide for alternative controls to the setbacks and use restrictions. In no case should this section be interpreted to allow wetland degradation.

1. Mitigation plans are to incorporate controls that achieve a “best available technology” (BAT’s) standard for engineering design.

2. As a minimum, site activities and uses are to reflect applicable Best Management Practices as issued by the New Hampshire Department of Environmental Services or other state agency.
3. Plans must incorporate documentation of all monitoring, maintenance and reporting provisions and procedures as well as any needed legal provisions to ensure future compliance with the plans.
4. A minimum 25 ft. undisturbed, naturally vegetated buffer shall be established under a Water Resource Management Plan for all Public Water Protection Wetlands. The extent of the buffers must reflect the nature and value of the resources to be protected as defined in Sec. 4-11, General 2. (3-11-03)
5. Building setbacks from the edge of the wetland may vary but in no case shall the setback be less than 50 feet.
6. Plans for any residential development that contain more than 2.0 acres of Public Water Protection Wetlands, or a commercial or industrial development should include surface and groundwater monitoring implementation methods and timetables. In addition to hazardous chemicals stored or used on the site, monitoring should include nutrients contributed by fertilizer applications, pesticides and herbicides of concern, chlorides, coliform bacteria and BOD. A program for reporting baseline and periodic testing for at least two years is required.

Water Resource Management Plan Requirements

A minimum of forty-five (45) days prior to submission to the Amherst Planning Board, each Water Resource Management Plan shall be presented to the Amherst Conservation Commission for review, and also to Pennichuck Water Works for review if the parcel is within the Pennichuck Brook watershed.

Each Water Resource Management Plan submitted to the Planning Board for review shall contain the following provisions:

1. Identification of the risks to water resources from the proposed site activities or development and site specific restrictions to eliminate or control uses and activities that produces impacts;
2. Identification of ecologically sensitive areas and features, including but not limited to, water supplies and water resources, wildlife and wildlife habitats or other resources within the influence of the site that warrant high levels of protection;
3. Site design and engineering controls to minimize both on-site and off-site (within 500 ft.) impacts to water resources;
4. Storm water provisions shall include at a minimum:

    a. Post development storm water peak (for 10-year storm) must be less than or equal to predevelopment storm water peak.
    b. Post development infiltration (2-year storm) must be greater that or equal to predevelopment storm water peak.

c. Storm water facilities must have a solids removal area that is independent of infiltrative area. Solids removal area must be easily cleaned. Storm water facilities must be designed for grease and oil removal (either mechanical or biological with plants);

5. A letter from the New Hampshire Natural Heritage Inventory containing information on any rare or endangered species within the project area, or within 500 ft. of the nearest wetland/buffer impact site, whichever is furthest;
6. Written provisions for the protection of any rare or endangered species as referenced above or known by the Conservation Commission;
7. Provisions for the protection of the ecologically sensitive areas and features of the site;
8. Building and storage area design to prevent releases or spills of hazardous materials;
9. Prohibitions on the use of lawn chemicals or implementation of an integrated pest management plan to govern the use of lawn chemicals;
10. Prohibition on the use of salt for winter road and parking lot maintenance and sedimentation controls for winter sand use;
11. Provisions for periodic groundwater monitoring and reporting, if required;
12. Provisions for periodic surface water monitoring and reporting, if required;
13. A plan showing the edge of wetlands within 500 ft. of the nearest impact area, and all setback/buffer areas for any Public Water Protection Wetland;
14. Provisions for future maintenance of the engineering design, operating and monitoring controls to be implemented;
15. A copy of the Pennichuck Water Works review report, if required;
16. A copy of the Amherst Conservation Commission review report.

Section 4-12 Watershed Protection District

General In the interest of public health, convenience, safety and welfare, the following regulations are intended to guide the use of areas of land with extended periods of high water table and lands draining into wetlands, brooks, ponds or water supply areas; to control building and land uses which would contribute to pollution of surface and ground water; to prevent the destruction of watershed areas which provide flood protection, recharge or ground water supply, and augmentation of stream flow during dry periods; to control construction and prevent alteration of watershed areas where such activities would significantly alter the surface water drainage (pattern and concentration) and/or cause excessive erosion; to prevent unnecessary or excessive expenses to the Town to provide and maintain essential services and utilities which arise because of inharmonious use of watershed areas; and to encourage those uses that can be appropriately and safely located in this District. 3-2-76

1. Definition of Watershed Protection District